

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 18TH JUNE 2004 / 28TH JYAISHTA 1926

Crl.MC.No. 1941 of 2007()

CC.981/2005 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA
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PETITIONER:

ANILKUMAR, S/O APPUKUTTAN PILLAI,
KAILIKKATTAYYATHU VEEDU, MEKKUM MURI,
THMARAKULAM VILLAGE.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. THE S.I. OF POLICE,
NOORUNADU POLICE STATION, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1941 of 2007

Dated this the 18th day of June 2007

O R D E R

The petitioner faces indictment in a prosecution for the offences punishable inter alia under Section 354 read with 34 I.P.C. All offences are bailable. The petitioner had appeared before the learned Magistrate and was enlarged on bail. He could not comply with the direction to appear before the Lok Adalath on a given date. Whatever that be, now he finds that a warrant of arrest issued by the learned Magistrate is chasing him. He is willing to surrender before the learned Magistrate but apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has therefore come to this court with the prayer that directions under Section 482 Cr.P.C may be issued.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before

the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007